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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,523	02/09/2007	Peter Cornelis Meininger	077919-0011	3517

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MCDERMOTT, WILL & EMERY LLP  
227 WEST MONROE STREET  
SUITE 4400  
CHICAGO, IL 60606-5096

EXAMINER
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STRIEB, MICHAEL A

ART UNIT	PAPER NUMBER
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2862

MAIL DATE	DELIVERY MODE
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02/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/556,523	<b>Applicant(s)</b> MEININGER, PETER CORNELIS	
	<b>Examiner</b> MICHAEL A. STRIEB	<b>Art Unit</b> 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/28/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Specification***

2. The use of trademarks, prevalent throughout the specification, has been noted in this application. They should be capitalized wherever they appear and be accompanied by the generic terminology. Some examples of note are COGNITIVE™ and BLUETOOTH™.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

The Examiner recommends the use of generic terminology.

### ***Claim Rejections - 35 USC § 112***

3. Claim 5 recites the limitation "...the WLAN or WiFi protocol..." in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad et al (US 2003/0182143 A1) in view of Goldberg (US 6,526,158 B1).

Regarding **claim 1**, Conrad et al disclose a method for making, viewing, and optionally ordering one or more photographic images, comprising the steps of making a recorded image with a mobile digital camera (paragraph 9); sending the image, immediately after it has been made, to a processing unit for processing of the digital data from the digital camera (paragraphs 22 and 46); and having the person of whom an image is made receiving a receipt with a code with which he/she can view and optionally order the recorded image (paragraphs 7 and 51).

Conrad et al do not disclose that the images are sent wirelessly. Further, Conrad et al do not disclose exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data.

The act of exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data is simply an automatic means of providing a receipt with a code associated with a set of images. This means is detailed in a manual method in Conrad et al (paragraphs 7 and 51). At the time of the invention, it would have been obvious to a person having ordinary skill in the art to automate this process, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Goldberg discloses wherein the image is sent wirelessly (column 14, lines 62-67; column 15, lines 1-5).

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Goldberg with Conrad et al. The motivation for doing so would have been to provide for faster and more mobile access to the images.

Therefore, it would have been obvious to combine Conrad et al with Goldberg to obtain the invention as disclosed in claim 1.

Regarding **claim 2**, Conrad et al in combination with Goldberg disclose all of the limitations as applied to claim 1 above.

Further, Goldberg discloses that the wireless transmission takes place within a wireless local area network (column 14, lines 66-67; column 15, lines 1-3). The use of a WiFi antenna is inherent in such a network.

Regarding **claim 4**, Conrad et al disclose a system for coding a recorded image, comprising a camera for making the recorded image (paragraph 9); a central processing unit for receiving and processing the recorded image and for assigning thereto a code for identification of the image (paragraphs 46 and 51); and a code printer for printing on a receipt the code generated by the processing unit (paragraphs 7 and 51).

Conrad et al do not disclose a transmitter/receiver for sending the recorded image.

Goldberg discloses a transmitter/receiver for sending the recorded image (column 14, lines 62-67; column 15, lines 1-5).

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Goldberg with Conrad et al. The motivation for doing so would have been to provide for faster and more mobile access to the images.

Therefore, it would have been obvious to combine Conrad et al with Goldberg to obtain the invention as disclosed in claim 4.

Regarding **claim 5**, Conrad et al in combination with Goldberg disclose all of the limitations as applied to claim 4 above.

Further, Goldberg discloses means for wireless communication in accordance with a WLAN or WiFi protocol between the camera, and the central processing unit.

Conrad et al in combination with Goldberg do not disclose a means for wireless communication with the code printer. However, the act of exchanging a code between the camera, the processing unit and a printing unit is simply an automatic means of providing a receipt with a code associated with a set of images. This means is detailed in a manual method in Conrad et al (paragraphs 7 and 51). At the time of the invention, it would have been obvious to a person having ordinary skill in the art to automate this process, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding **claim 6**, Conrad et al in combination with Goldberg disclose all of the limitations as applied to claim 5 above.

Further, Conrad et al disclose a code reader for reading the code on the receipt and displaying the associated image on a screen in response to the read code (paragraph 51).

Regarding **claim 7**, Conrad et al in combination with Goldberg disclose all of the limitations as applied to claim 6 above.

Further, Conrad et al disclose a printing means for printing the recorded image associated with the code (paragraph 51).

Regarding **claim 8**, Conrad et al in combination with Goldberg disclose all of the limitations as applied to claim 4 above.

The Examiner interprets the phrase "in the order of magnitude of about 3 km" to mean about in the range of .3 km to 30 km. As such, Goldberg further discloses wherein the camera, processing unit, and code printer communicate wirelessly with each other (column 15, lines 2-3) over said range (column 12, lines 47-48). Goldberg states tat the elements are located "at multiple fixed locations within the entertainment venue (column 14, lines 9-11 and 51-53) and further specifies that such venue can include "theme and amusement parks, ski slopes, beaches" (column 2, lines 40-41). Such ranges as disclosed in claim 8 are inherent in such venues.

Regarding **claim 9**, Conrad et al in combination with Goldberg disclose all of the limitations as applied to claim 1 above.

Further, Conrad et al disclose that the receipt is issued at a location close to the digital camera (paragraphs 7 and 51).

Regarding **claim 10**, Conrad et al disclose a method for obtaining one or more photographic images for use by a person at a ski resort, the method comprising the steps of making a recorded image with a digital camera (paragraph 9); sending the image , immediately after it has been made, to a processing unit for processing of the digital data from the digital camera (paragraphs 22 and 46); and having the person of whom an image is made receiving a receipt with a code with which he/she can view and optionally order the recorded image (paragraphs 7 and 51). Conrad further discloses wherein an issue location is close to or at a predetermined distance from the digital camera (paragraphs 7 and 51).

Conrad et al do not disclose that the images are sent via a cable. Further, Conrad et al do not disclose exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data.

The act of exchanging a code between the processing unit and an issue location to a printing unit during processing of the digital data is simply an automatic means of providing a receipt with a code associated with a set of images. This means is detailed in a manual method in Conrad et al (paragraphs 7 and 51). At the time of the invention, it would have been obvious to a person having ordinary skill in the art to automate this process, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Goldberg discloses wherein the image is sent via a cable (column 15, lines 1-6).



At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Goldberg with Conrad et al. The motivation for doing so would have been to provide more dependability when sending and receiving images.

Therefore, it would have been obvious to combine Goldberg with Conrad et al to obtain the invention as disclosed in claim 10.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conrad et al in view of Goldberg and in further view of Adair et al (US 2002/0067408 A1).

Regarding **claim 3**, Conrad et al in combination with Goldberg disclose all of the limitations as applied to claim 1 above.

Conrad et al in combination with Goldberg do not disclose wherein the digital camera or the printing unit are connected to a Personal Digital Assistant (PDA) which is also provided with means for wireless communication.

Adair et al disclose wherein the digital camera or the printing unit are connected to a Personal Digital Assistant (PDA) which is also provided with means for wireless communication (paragraphs 18-19).

At the time of the invention, it would have been obvious to a person having ordinary skill in the art to combine Adair et al with Conrad et al and Goldberg. The motivation for doing so would have been to provide greater mobility and flexibility in taking and processing images.

Therefore, it would have been obvious to combine Adair et al with Conrad et al and Goldberg to obtain the invention as disclosed in claim 3.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Walter (US 6,233,399 B1) "Film drop-off apparatus and method"

Weston et al (US 2002/0008622 A1) "System for automated photo capture and retrieval"

Kaku (US 2002/0049728 A1) "Image distributing system"

Evans et al (US 5,694,514) "System and method for creating personalized image collection from multiple locations by using a communication network"

Squilla et al (US 2002/0030745 A1) "Photographic system for enabling interactive communication between a camera and an attraction site"

Shen (US 2002/0077938 A1) "Method and system for the automated exchange of merchandise"

Hirata et al (US 2002/0095477 A1) "Data distribution system, data distribution apparatus, and data distribution method"

Walker (US 6,490,409 B1) "System and method for making a personal photographic collection"

8. Any response to this office action should be faxed to (571) 273-8300 or mailed to:

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Hand - delivered responses should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street

Art Unit: 2862

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL A. STRIEB whose telephone number is (571)270-3528. The examiner can normally be reached on Monday-Friday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William B. Perkey/  
for Patrick Assouad, SPE of Art Unit 2862

MAS